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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/748,263	12/31/2003	Kazuhiko Taira	247189US2SX	6584
22850	7590	11/17/2008	EXAMINER	
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			HASAN, SYED Y	
			ART UNIT	PAPER NUMBER
			2621	
			NOTIFICATION DATE	DELIVERY MODE
			11/17/2008	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No. 10/748,263	Applicant(s) TAIRA ET AL.	
	Examiner SYED Y. HASAN	Art Unit 2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 September 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 - 9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 - 9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>3/31/2004, 4/12/2005</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 9/26/2008 has been entered.

Response to Arguments

2. Applicant's arguments with respect to claims 1 - 9 filed on 9/26/2008 have been considered but are moot in view of the new ground(s) of rejection.

Fuchigami et al teaches the button position information being changed depending on a TV system (col 36, lines 3 – 23, different tv systems and fig 87, col 48, lines 52 – 64, button information)

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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4. Claims 1, 2 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mimura et al et al (US 5963704) in view of Abe (US 6047089) and further in view of Fuchigami et al (US6788880)

Regarding **claim 1**, Mimura et al et al discloses a computer readable (col 32, lines 59 – 65, computer readable) information storage medium storing highlight information with which a mixture or contrast of a video and sub-picture in a rectangular area in which a button is displayed is altered

wherein the highlight information (fig 51) includes highlight general information (fig 51, 52, 113A) and a button information table (fig 51, 52 ,113C) the button information table includes plural items of button information (fig 52, 113C) and is used as one- group mode or plural-group mode (fig 52, one group is 36, two group is 18, col 25, lines 31 - 45) each of the items of button information includes button position information (fig 57,113J) the button position information includes a start X-coordinate, an end X-coordinate, a start Y-coordinate, and an end Y-coordinate of the rectangular area; the range of X-coordinate value and Y-coordinate value (fig 58, col 28, lines 20 – 34) the highlight general information includes a button mode field (fig 57 and 58, col 27, line 64 to col 28, line 12) and the button mode field includes a flag describing whether a button group exists or not, bits describing the number of button groups, and bits describing a display type of a sub-picture corresponding to the button group (col 26,lines 45 - 57)

However Mimura et al et al does not disclose button for high definition

On the other hand Abe teaches button for high definition (fig 9, step 104, col 8, lines 49 – 67)

It would have been obvious to one of ordinary skill in the art at the time of the

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invention to incorporate button for high definition as taught by Abe in the system of Mimura et al et al in order to produce an image of various kinds without using a special process

The combination of Mimura et al et al and Abe do not discloses the button position information being changed depending on a TV system

However Fuchigami et al teaches the button position information being changed depending on a TV system (col 36, lines 3 – 23, different tv systems and fig 87, col 48, lines 52 – 64, button information)

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the button position information being changed depending on a TV system as taught by Fuchigami et al in the combined system of Mimura et al and Abe in order to read out information of the titles of tunes represented by the audio signal including still pictures recorded on the standard DVD.

Regarding **claim 2**, Mimura et al et al discloses a computer readable information storage medium, wherein, the button information table includes m items of button information; and the table is used as one-group mode made up of m items of button information, two-group mode made up of $m/2$ items of button information, or three-group mode made up of $m/3$ items of button information, where m is an integer (fig 51 and 52, col 25, lines 31 - 57)

Regarding **claim 7**, Mimura et al, Abe and Fuchigami et al disclose all of the above (see claim 1 above) except the end X-coordinate and the end Y - coordinate for high definition are larger than the end X-coordinate and the end Y- coordinate for standard definition. Mimura et al further discloses the X-coordinate and the Y-coordinate (fig 58, col 28, lines 20 – 34) but it does not disclose the expansion process between

high definition and standard definition

On the other hand Abe teaches the expansion process high definition and standard definition (fig 9, step 104, col 8, lines 49 – 67)

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the expansion process high definition and standard definition as taught by Abe in the system of Mimura et al in order to produce an image of various kinds without using a special process

5. Claims 3 – 6, 8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mimura et al (US 5963704) in view of Abe (US 6047089) in view of Fuchigami et al (US6788880) and further in view of Mori et al (US 2002/0110369)

Regarding **claim 3**, Mimura et al, Abe and Fuchigami et al disclose all of the claimed features as mention in claim 1 above together with Miruma et al the playback apparatus as mentioned in the title and field of invention as reproducing (col 1, lines 12 to 20) except the information playback apparatus comprising: means for reading out the flag and the display type from the information recording medium; means for, when the flag indicates that a high definition button group is recorded, displaying the read-out button information with high definition, and when the flag indicates that a high definition button group is not recorded, displaying the read-out button information according to the display type.

On the other hand Mori et al teaches the information playback apparatus comprising: means for reading out the flag (para 0153 illustrates a flag) and the display type from the information recording medium (para 0420 illustrates variety of displays) means for, when the flag indicates that a button group is recorded

(para 0232 illustrates recording on the disk) displaying the read-out button information (fig 40) and when the flag indicates that a button group is not recorded, displaying the read-out button information according to the display type (para 0256 and fig 50 para 0305)

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the information playback apparatus comprising: means for reading out the flag and the display type from the information recording medium means for, when the flag indicates that a button group is recorded, displaying the read-out button information, and when the flag indicates that a button group is not recorded, displaying the read-out button information according to the display type as taught by Mori et al in the system of Mimura et al, Abe and Fuchigami et al in order to realize reproduction of high quality digital audio data along with video data in a restricted range of bit rates at a relatively low cost.

Claim 4 and 6 are rejected based on claim 2 above.

Claim 5 is rejected based on claim 3 above

Claims 8 and 9 are rejected based on claim 7 above.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure

Yamauchi et al (US 5771334) discloses Multimedia optical disc storing both video titles provided with AV functions and video titles with no such functions which can instantly distinguish between such kinds of titles, and a reproduction apparatus and

reproduction method for such disc

Park et al (US 6724981) discloses Apparatus and method for transferring digital versatile disc information

Denda et al (US 7061838) discloses an apparatus and method for caching and selectively reproducing information from recording media.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Syed Y. Hasan whose telephone number is 571-270-1082. The examiner can normally be reached on 9/8/5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thai Tran can be reached on 571-272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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S.Y.H.

11/04/2008

/Thai Tran/

Supervisory Patent Examiner, Art Unit 2621